

## **REMARKS**

### **Summary of the Office Action**

In the Non-Final Office Action dated May 3, 2002, claim 3 is withdrawn from further consideration as being drawn to a non-elected invention. The information disclosure statement filed June 22, 2000 has been considered. Claims 1 and 2 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,933,667 to Machida et al. (hereinafter *Machida et al.*).

### **Summary of the Response to the Office Action**

Applicant has amended claims 1 and 2 and has added dependent claims 4-16 and independent claim 17. Accordingly, claims 1-17 are presently pending in this application, and claims 1-2 and 4-17 are currently under consideration.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with Markings to Show Changes Made.**"

### **The Rejection under 35 U.S.C. §102**

Claims 1 and 2 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Machida et al.* To the extent the Examiner may consider this rejection to apply to the newly amended claims, the rejection is traversed as being based upon a reference that neither teaches nor suggests the novel combination of features now recited in amended independent claims 1 and 2.

Claim 1, as amended, recites a "recording liquid for use in an ink jet printer having a nozzle or orifice from which the recording liquid is discharged, the recording liquid comprising a pigment and two or more kinds of fine resin particles, wherein the dispersion polarity of the pigment is the same as the dispersion polarity of each of the two or more kinds of fine resin particles." Applicant respectfully submits that *Machida et al.* does not teach or suggest a combination of elements having the above-recited features of the present invention.

*not claimed*

The disclosure of *Machida et al.* concerns developers for use in electrostatic photography. Applicant respectfully submits that one of ordinary skill in the art would readily understand that such developers for use in electrostatic photography, as disclosed in *Machida et al.*, do not require an anti-clogging characteristic because the developer directly contacts with an electrostatic latent image formed on a photoreceptor, and no nozzle or orifice is involved in forming images. In general, the liquid toner used in electrostatic printing arrangements is stored in a vessel located beneath a rotating photoreceptor carrying an electrostatic latent image. The toner particles dispersed in a carrying liquid of the toner are attracted and adhered to the electrostatic latent image of the photoreceptor due to an electrostatic force. Then, the toner particles adhered in the pattern of the electrostatic latent image on the photoreceptor are electrostatically or thermally transferred onto a transferring paper and fused thereon by a thermal energy to form a printed image. Therefore, liquid toners used in electrostatic printing arrangements need not pass through a nozzle or aperture in the printing process. As a result, developers (or toners) in electrostatic printing arrangements need not have anti-clogging characteristics.

*Apply*

*A*

In contrast, the present invention, as recited in claim 1, is directed to a "recording liquid for use in an ink jet printer having a nozzle or orifice from which the recording liquid is discharged." As explained, for example, at page 4 of the as-filed specification, the recording liquid, as recited in claim 1 of the instant application, can provide high quality images with high image density without nozzle clogging.

The developer(s) disclosed in *Machida et al.* is engineered for the purpose of applying it to electrostatic imaging. Applicant respectfully submits that one of ordinary skill in the art would understand that there are significant differences in the physical and chemical requirements for developers used in electrostatic imaging arrangements as compared with the physical and chemical requirements for recording liquids used in ink jet printing arrangements. Thus, *Machida et al.* does not teach or suggest at least the features of the "recording liquid for use in an ink jet printer having a nozzle or orifice from which the recording liquid is discharged."

Accordingly, Applicant respectfully submit that *Machida et al.* does not teach or suggest each feature of newly amended independent claim 1. As pointed out in MPEP §2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Accordingly, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. §102(b) should be withdrawn.

Furthermore, Applicant respectfully asserts that newly added dependent claims 4-10 are allowable at least because of their dependence from independent claim 1, as amended, and for the reasons set forth above.

Claim 2 has been amended similarly to claim 1 and also recites a “recording liquid for use in an ink jet printer having a nozzle or orifice from which the recording liquid is discharged.”

Accordingly, Applicant respectfully asserts that the rejection of claim 2 under 35 U.S.C. §102(b) should be withdrawn because *Machida et al.* does not teach or suggest each feature of newly amended independent claim 2. Furthermore, Applicant respectfully asserts that newly added dependent claims 11-16 are allowable at least because of their dependence from independent claim 2, as amended, and for the reasons set forth above.

Applicant respectfully submits that new independent claim 17 is allowable.

### **CONCLUSION**

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account

No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR  
EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Claims 1 and 2 have been amended as follows:

1. (Amended) A recording liquid for [ink printers] **use in an ink jet printer having a nozzle or orifice from which the recording liquid is discharged, the recording liquid** comprising a pigment and two or more kinds of fine resin particles, wherein the dispersion polarity of the pigment is the same as the dispersion polarity of each of the two or more kinds of fine resin particles.
  
2. (Amended) A method for manufacturing a recording liquid for [ink printers] **use in an ink jet printer having a nozzle or orifice from which the recording liquid is discharged, the method** comprising the step of mixing an aqueous dispersion of a pigment, and an aqueous dispersion of [the] two or more kinds of fine resin particles having a polarity same as the polarity of the aqueous dispersion of the pigment.

Claims 4-17 have been newly added.